

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DALE STEWART #48457-054

CASE NO. 1:20-CV-00511 SEC P

VERSUS

JUDGE DRELL

F B O P ET AL

MAGISTRATE JUDGE PEREZ-MONTES

AMENDED JUDGMENT

After review of the record in this matter, the court is aware that plaintiff's objections to the Magistrate Judge's Report and Recommendations (Doc. 7) were timely filed, but not timely docketed. Objections to the Report and Recommendation were due to be filed on or before May 29, 2020. Plaintiff's objections were postmarked May 29, 2020. (Doc. 9-1). Plaintiff's objections were not docketed in this case until June 1, 2020. According to the "prison mailbox rule," a pro se prisoner's pleadings are considered filed when they are either tendered to prison officials or deposited into the prison mailing system, rather than the date on which they are docketed by the court. Coleman v. Johnson, 184 F.3d 398 (5th Cir. 1999); Cooper v. Brookshire, 70 F.3d 377, 379 (5th Cir. 1995).

Although, as above, we find that Plaintiff timely filed his objections in this case and that the judgment should be amended to clarify the record, we do not find that these objections demonstrate any error in the analysis or findings of the Magistrate Judge's Report and Recommendations.

Acknowledging that Plaintiff's objections (Doc. 9) were timely filed under the prison mailbox rule, this court's prior judgment is hereby amended to read as follows:

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein (Doc. 7) and after review of the entire record in this case, including the objections filed by Plaintiff (Doc. 9) and concurring with the Magistrate Judge's findings under applicable law; it is hereby

ORDERED that the Complaint (Doc. 1) is hereby DENIED and DISMISSED, in part WITH PREJUDICE under 28 U.S.C. §§ 1915(e)(2) and 1915A, and in part WITHOUT PREJUDICE for lack of jurisdiction. Based on the foregoing, it is further

ORDERED that Plaintiff's more recent motion for the appointment of counsel (Doc. 9) is likewise DENIED.

THUS DONE AND SIGNED this 7th day of July, 2020 at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', is written over a horizontal line.

DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT